

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/7/2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRISTIAN SANCHEZ, on behalf of himself and :	:	
all others similarly situated,	:	
	:	
Plaintiff,	:	
	:	20-CV-10185 (VEC)
-against-	:	
	:	<u>ORDER</u>
MCKEE FOODS CORPORATION,	:	
	:	
Defendant.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on December 3, 2020, Plaintiff filed the Complaint in this case, Dkt. 1;

WHEREAS Federal Rule of Civil Procedure 4(m) affords Plaintiff 90 days (or until March 3, 2021) to effect service unless Plaintiff shows good cause for the failure to serve;

WHEREAS Plaintiff has not filed proof of service on the docket nor has Defendant appeared in this action; and

WHEREAS on April 5, 2021, Plaintiff requested that the Court extend Defendant's time to appear and respond to the complaint until May 10, 2021, but Plaintiff did not indicate whether he had ever served Defendant, and if so, when, Dkt. 6;

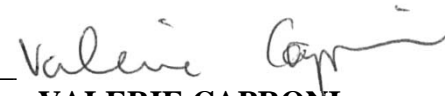
IT IS HEREBY ORDERED THAT not later than **April 14, 2021**, Plaintiff must show cause why this case should not be dismissed for failure to serve. Plaintiff must specifically provide evidence showing that it has made diligent efforts to effect service and that good cause exists for its failure to effect timely service. If Plaintiff fails to make this showing, this case will be dismissed.

IT IS FURTHER ORDERED that the April 9, 2021 Initial Pretrial Conference is ADJOURNED *sine die* pending Plaintiff's response to this order. Should Plaintiff either provide

proof of service or demonstrate good cause for his failure to serve within the required time frame, the Court will reschedule the IPTC in this matter.

SO ORDERED.

Date: April 7, 2021
New York, New York


VALERIE CAPRONI
United States District Judge